APPENDIX A — ORDER OF THE SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF KINGS DATED AND FILED JULY 11, 2001

At an IAS Term, Part 44 of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, at Civic Center, Brooklyn, New York, on the 11th day of July, 2001.

PRESENT:

HON. L. PRISCILLA HALL,

Justice.

Index No. 26439/00

GEOFFREY M. PARKINSON,
Trustee of the Laura J. Niles Trusts,

Plaintiff,

-against-

SALVATORE BONO,

Defendant.

Upon the foregoing papers, the plaintiff seeks an order of this court, pursuant to CPLR 5019, modifying the foreign judgment entered against the defendant on August 2, 2000 in the amount of $526,296.00 to reflect the correct judgment amount of $805,727.00, plus simple interest at a rate of five

percent, as set forth in the March 24, 2000 Amended Judgment issued by the Honorable Harry K. Seybolt, Judge, Superior Court of New Jersey, Chancery Division, Warren County, Probate Part.

Defendant opposes the motion contending that the proposed amendment of the order will affect his substantive rights in violation of CPLR 5019, because it will increase the judgment by nearly fifty percent. Further, defendant contends that the plaintiff has no standing, that the foreign judgment is unclear on critical issues, that the motion papers are unsupported by an affidavit of personal knowledge and that the plaintiff has not presented good cause or statutory authority for the relief sought.

This court finds the order of Judge Seybolt to be clear on its face. The amendment, rather than affecting defendant's substantive rights, simply affirms the amount which he was ordered to pay to the plaintiff in Judge Seybolt's order. The issue of standing was determined in favor of the plaintiff in this court's previous decision and the motion papers are sufficiently supported by the affidavits which are contained therein. The plaintiff has demonstrated that the amount of the judgment entered against the defendant on August 2, 2000 was incorrect and that modification to reflect the correct amount is appropriate.

The plaintiff's motion modifying the foreign judgment entered against the defendant on August 2, 2000 in the amount of $526,296.00 to reflect the correct judgment amount of $805,727.00, plus simple interest at a rate of five percent, as set forth in the March 24, 2000 Amended Judgment issued

by the Honorable Harry K. Seybolt, Judge, Superior Court of New Jersey, Chancery Division, Warren County, Probate Part is granted. The entry of this judgment against the defendant, Salvatore Bono, is without prejudice to the right of plaintiff, as Trustee of the Laura J. Niles Foundation to seek recovery in the future of further monies from defendant, Salvatore Bono, depending upon the final outcome of the pending appeal of Serena Bono-Niles from the Amended Judgment of the New Jersey Court.

The following constitutes the order, decision, and judgment of the court.

ENTER

Hon. L. Priscilla Hall
J.S.C.

APPENDIX B — NOTICE OF APPEAL OF THE DEFENDANT SALVATORE BONO TO THE APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK DATED SEPTEMBER 12, 2001 AND FILED SEPTEMBER 13, 2001

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

Index Number 26439/00

GEOFFREY M. PARKINSON,
Trustee of the Laura J. Niles Trusts,

Plaintiff,

SALVATORE BONO,

Defendant.

NOTICE OF APPEAL

SIRS:

PLEASE TAKE NOTICE that the defendant Salvatore Bono appeals to the Appellate Division of the Supreme Court, Second Department, from the order of the Supreme Court, Kings County (L. Priscilla Hall, *J.*) dated July 11, 2001, and entered in the office of the clerk of Kings County on July 31, 2001. The order was served with notice of entry on August 13, 2001. Defendant appeals from each and every part of the order and the whole thereof; both on questions of law and fact.

Appendix B

DATED: New York, New York
September 12, 2001

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